

SENATE BILL REPORT

SB 5692

As of February 8, 2017

Title: An act relating to prohibiting requiring employees to pay dues or fees to a labor union as a condition of employment.

Brief Description: Prohibiting requiring employees to pay dues or fees to a labor union as a condition of employment.

Sponsors: Senators Baumgartner and Braun.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/08/17.

Brief Summary of Bill

- Prohibits collective bargaining agreements from requiring union membership, or requiring employees pay dues or fees to a union as a condition of employment.
- Prohibits deducting union dues or fees from the pay of an employee without written authorization.
- Prohibits compelling or threatening an employee to join or financially support a union.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Staff: Jarrett Sacks (786-7448)

Background: Both federal and state law permit, under certain conditions, collective bargaining agreements to contain union security provisions. A union security provision is part of a collective bargaining agreement that requires employees to maintain union membership or pay union dues as a condition of continued employment. One type of union security provision is an agency shop agreement, where the employer may hire union or non-union workers, and employees do not need to join the union. However, non-union workers must pay a fee to cover representation-related costs, such as collective bargaining, contract administration, and grievance adjustment. This fee is known as an agency shop fee or agency fee.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal law authorizes individual states to prohibit union security provisions within their jurisdictions. Currently, 28 states have these types of prohibitions.

An employee must provide written authorization in order for union dues and fees to be withheld from their pay. For private-sector employees, the written authorization may not be irrevocable for more than one year. For certain types of public employees, state law has similar provisions regarding the revocation of the written authorization.

Summary of Bill: Private Sector Collective Bargaining. Employees cannot be required to become or remain a member of a union as a condition of employment, nor can an employee be required to pay dues or fees to a union as a condition of employment. No person, employer, or union can limit or restrict an employee's right to join or resign membership from a union at any time.

Employers may not deduct union dues or fees from the pay of an employee without written authorization of the employee. A written authorization for payroll deductions cannot be irrevocable for more than a year.

To the extent permitted under federal law, a union can negotiate a contract with an employer that applies only to those employees that elect to become members of the union.

No person or union can compel, or attempt to compel, an employee to join, affiliate with, or financially support a union through threats or intimidation. The Attorney General or a prosecuting attorney may bring an action to enjoin violations of the act. A person who is found to have violated the act is liable for damages to the person who suffers the violation.

Public Employee Collective Bargaining. With limited exceptions, collective bargaining agreements may not contain union security provisions. Employees cannot be required to become or remain a member of a union as a condition of employment, nor can an employee be required to pay dues or fees to a union as a condition of employment. Agreements that cover (1) uniformed personnel, (2) employees of public fire departments, and (3) officers of the Washington State Patrol may contain union security provisions that require an agency shop fee as a condition of employment.

An employee must submit written authorization in order for an employer to deduct union dues or fees from their pay. This written authorization is revocable at any time.

No person or union can compel, or attempt to compel, an employee to join, affiliate with, or financially support a union through threats or intimidation. The Attorney General or a prosecuting attorney may bring an action to enjoin violations of the act. A person who is found to have violated this act is liable for damages to the person who suffers the violation.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Research shows Right to Work laws attract new business to the state. It is an important factor companies look at in deciding where to move. When controlled for cost of living, wages are higher in Right to Work states. It will increase the number of jobs in the state. The bill makes unions prove their worth and gives workers a choice. Small business supports Right to Work legislation. Washington already has extremely stringent worker safety laws, unions are not necessarily needed for that.

CON: Right to Work does not represent Washington values. It will lower wages and make workplaces less safe. Right to Work has racist and anti-labor origins. It is a tool to weaken and destroy unions, and is not about choice. Workers in Right to Work States are more likely to die on the job. The bill will decrease the tax revenue for the state by lowering wages. Collective bargaining strengthens the financial security of workers and their families. There is mixed evidence on whether Right to Work laws bring in new business. Right to Work does not increase jobs. Under the current law, workers are not required to join a union or pay dues, the law is unnecessary. Workers can already decertify bad unions. While the bill exempts fire fighters, it is only a matter of time before it applies to them. Labor unions increase workers' voice in the workplace, without them there is no incentive for employers to listen. Unions keep people off welfare and social services. Unions represent some of the most vulnerable populations in our state, weakening unions will make them more vulnerable. There is no incentive for Right to Work states to protect workers. The bill opens the door for companies to exploit workers. The bill will destroy career skills training for armed service members returning to work.

Persons Testifying: PRO: Senator Michael Baumgartner, Prime Sponsor; Patrick Connor, NFIB/Washington; Maxford Nelsen, Freedom Foundation; Erin Shannon, Washington Policy Center.

CON: Lee Newgent, WA State Building and Construction Trades Council; John Holden, Machinists Union; Guerry Hodderson, Organized Workers for Labor Solidarity; Patrick Burns, Organized Workers for Labor Solidarity; Jared Houston, Organized Workers for Labor Solidarity; Kristine Cole, Pacific Northwest Regional Council of Carpenters; Pedro Espinoza, Pacific Northwest Regional Council of Carpenters; Scott Jones, Pacific Northwest Regional Council of Carpenters; Jeff Johnson, Washington State Labor Council, AFL-CIO; Paul Benz, Faith Action Network; Tim Burns, Puget Sound Advocates for Retirement Action; Jan Bussert, Washington State Nurses Association; Michelle Woodrow, International Brotherhood of Teamsters, Local 117; Jon Holden, International Association of Machinists, Lodge 751; Dennis Lawson, Washington State Council of Fire Fighters; Jim Smith, LIUNA Local 292; Don DeMulling, retired; Eric Gustafson, Iron Workers Local #86; Tim Carter, Sheet Metal Workers Local 66; John Pearce, Local 86; Kelly Santos, Liuna Local 440; Pedro Gonzalez Cruz, IUOE Local 612; Brayon Dominguez, Local 86; Trevor Smith, Laborers Union; Theresa Smith, Laborers Union; Donovan Powell, citizen; Chris McClain, Iron Workers, Political Director; Chris Winters, VFW Post 91 and Pat-VP; Damian Hernandez, IBEW Local 77 and Lewis PUD; Bryan K Johnson, IBEW; Calvin Barta, citizen.

Persons Signed In To Testify But Not Testifying: PRO: Jose Luis Talavera, Pacific NW Carpenters Union; Angel Ramirez, Labores 252; Andrew Saunders, Local 86 ironworkers;

Christopher Geltz, Teamsters Local 174; Derek Voss, Local 86; James Wright Jr, Local 86; Ed Duran, Local 86; Teresita Ronquillo, IBEW 46; Pat Tarzell, citizen; Ewan Wilson, Local 86; Philip Wilson, citizen.

CON: Kirk Duncan, Organized Workers for Labor Solidarity; Katherine Wiles, Organized Workers for Labor Solidarity; Don Larson, Organized Workers for Labor Solidarity; Noe Castillo, Carpenter; Terry Johnson, PNWRCC; Zachary Stover, Laborers 440, Former AFSCME; Ruperto Gomez Jr., Pacific Northwest Regional Council of Carpenters; Rick Hite, International Brotherhood of Electrical Workers; Aubrey Abbott, Laborers Union; Miguel Perry, Carpenters Union; Jose Perry, Carpenters Union; Edgar Anaya, Pacific Northwest Ironworkers Local 86; Chuck Gotcher, Carpenters Local 129; James Saenz, PNWRCC; Antonio Acosta, citizen; Gregory Lerwick, citizen; Miguel Edmondson, Laborers Union; Michael Chavez, Laborers Union; Vince Herrera, Laborers; Oleg Prikhodko, citizen; Tonya Ohumukini, Laborers Local 252; Thomas Johnson, Teamsters Local 117; Kenny Stuart, Seattle Fire Fighters Union, IAFF Local 27; Chris Jones, Ironworkers Local 86; Jacob Lucas, Ironworkers Local 86; Jessica Bonebright; Rod Lake, Laborers Local 252; Ethan Hagan, Ironworkers Local 86; Cherry Courtier, Labors Local 252; James Rooks, Laborers; Frank Kimmel, Carpenters Local 1503; Joseph Echeverria, Sheet Metal Workers LU 66; Joshua Bryan, citizen; Derek Porter, Seattle Fire Local 27; Kyle Grayson, Laborers; Troy Andrews, Laborers Local 252; Troy Mcbain, Laborers Union, District Council; Michael Vincent, Laborers Local 242; Brian Root, Seattle Fire Department; Larry Montgomery, Local #292; Rebecca Tappendorf, Laborer's Local 292; Joshua Willette, Carpenters Local 70; Rick Johnson, IBEW 77; Michael Raymond, OPCMIA 528; Craig Cornell, Cement Masons 528; Jason Conlon, journeyman ironworker; Neil Hackmann, union ironworker; Jeremy Kamel, ILWU 23; Bobbie Salazar, Local 66 Sheetmetal Union; Jacob Hetland, Ironworkers Local 86; Mike Hetland, Local 86 Ironworkers; Marcus Ricarte, Local 27 Seattle Fire Department; Morningstar Jones, Union Laborer; Christian Contreras, Local 66; Billy Hetherington, Laborer Local 242 Apprenticeship Coordinator; Ryan Winchester, Local 66; Robin Smith, LIUNA; Alek Byrns, Carpenters; Chris Johnson, Laborers Local # 292; Jamie Kunnap, Sheet Metal Local 66; Crystal Owens, Macdonald miller. Sheet metal worker; Kevin Bussard, Sheet Metal Local 66; Matt Reese, IBEW Local 77; Neil Peck, Washington Federation of State Employees; Alex Bedolla, ironworker lo; Justin Doyel, Local 86; William Starke, Local 86 Ironworker, journeyman welder; Souchio Saepanh, Apex Steel; Brianna Rood, Local 528 plastered and cement masons; Zacharia King, IBEW Local 46-Seattle; Skyler Witte, citizen; Brad Marsee, Local 66; Stacy Martin, Laborers local 292; Benjamin Cary, Iron Workers Local 86; Travis Mollenberg, Ironworker Local 86; Beth Camara, Laborers Local 292; Derek Doyel, Local 29; Michael Whiteside; Steven Kerr, God Carrier 252; Donald Eagan, Laborers Local 242; Michael Whiteside, Laborers Local 242; Michael Red Cloud, Hod Carrier Local 252; Lauren LaTray, Brick Masonry; Aubrey Palmer, carpenter union; Dustin Hampton, citizen; Gregory LaFrance, Iron workers Local 86; Dallas Nelson, Local 66 sheet metal; Rex Habner; Boyd Ribble, IUOE 612; Kris Wood, Local 86; Justin Davenport, Bricklayers Local 2 Washington; Grover Johnson, Laborers; Cody Arledge, SMWIA 66; Chris Kesner, Local 86; Colten Malek, Local 86; Brian Skiffington, ILWU Local 23 Rank & File; Eric Sanden, BAC Local#2; Austin Thomas, Local 86; Aaron Bailey, SMWIA 66; Douglas Conklin, union ironworker Local 86; Tim Rumelhart, ironworker; Terry Lawless, Local 86 - Iron Workers; April Finkbonner, Union Ironworkers Local 86 Seattle; John Adams, Laborers; Christopher Mansfield, Union ironworker Local 86; Joseph McClain, Iron workers; Asat Cham, Iron Workers Local 86; Marty Lenoir, Ironworker 86; Kelly Horman, Local 46; Todd Iverson,

ILWU Local 23; Chuck Faubel, Sheet Metal Workers Local 66; Diane Hennessey, Washington Department of Ecology; Ryan Mudie, Tacoma Firefighters Union; Levi Mosser, Local 86; Tim Cole; Samuel Kummer, Children's Administration; Jeff Skillman, Carpenters; Kymberly Adams, DSHS/DDA; Rodney Williams, Carpenters Union; Randy Ross, Carpenters Union; Ben Freitag, Laborers 440; Eric Vane, IBEW #46; Karla Hemmelgarn, International Brotherhood of Electrical Workers; Neil Wishart, IBEW 46; Chad Brahs, Ironworker Local 86; Paul Bentson, IBEW; Joe Saiz, Local 364; Ted Sherwood, Ironworker; Alex Popescu, IBEW Local 46; Mohamed Ahmed, IBEW Local 46; Mathew Dunn, Local 66; Duane Heaps, Local 86 Ironworker; Levi Whitfield, Sheet Metal Union; Josh Whitfield, Local 66; Jose Guajardo, Local 364; Michael Harper, Local 66; Kyle Nordgren, Local 66; Ryan Tran, Local 66; Brenda Johnson, IBEW 46 spouse; Bob Koerner, Teamsters Local 760; Martin Ramirez, Local 364; Allan Henneberry, Local 66; Jayson Campos, Carpenters Local #30; Juan Berumen, carpenters Local 30; John Wengreen, Carpenters #129; Kathy More, IBEW Local 46 wireman; Clint Hohn, local 66; Fabian Larios, Local 364; James Owens, Ironworkers Local 86; Randy Glover, Carpenters Union Local 30; Joseph Larsen, Local 66 Sheet Metal Workers; Tyler Brown, Local 129 carpenter apprentice; Jacob Owens, Ironworkers Local 86; Juan Berumen, Carpenters Local 30; Adrian De la Torre, Carpenters Union Local 30; Ian Peterson, union carpenter apprentice; Andrez Avila, Ironworkers Local 86; Carlos Alarcon, Carpenter; Junior Eneliko, Union Carpenter; Nicholas Halford, Local 30; Michael Talley, Local 30; John McCallum, Local 30; Tony Siufanua, Local 30 carpenter; Christopher Morgan, Local 86; Taurean Okelley, Local 30 Union Carpenters; Kelly Nicolet, citizen; Christopher Williams, carpenter Local 30; Nicholas Styant-Browne, Carpenters Local 30; John Pentescu, citizen; Jared Bender, Iron worker; Kevin Callahan, Local 86; Vincent Indulfo, Local 86; Brandon Malidore, Local 86; Stephen Phillips, Ironworker Local 96; Jason Anderson, citizen; Todd Pierce, IUPAT; Mariah Hanson, Local 188; Sean Roberts, ironworker Local 86; Theodore Laugen, IUOE 612; Megan McCormick, Washington Education Association; Nicolaus Cannon, citizen; Kristoffer Brownlee, Ironworkers Local 86; Ryan Kehoe, Laborers; Igor Belyak, welder; Aladdin Uzuner, Iron workers Local 86; Kyle Ruggles, Ironworkers Local 86; James Grimes, Ironworkers Local 86; Riley Lamphiear, Local 242; Shannon Tolman, Ironworkers local 86; Omar Salinas, International Brotherhood of Electrical Workers; Danial Hunt, Carpenters Local 129; David Letinich, LIUNA; Jeremy Amos, Operator; Michael Lambertson, Local 66; Sherry Barry, Laborers 252; Randy Tucker, Carpenters Local 129; Timothy Sonstelie, Local 46 electrician; Casper Carrillo, Laborers local 242; Miles Warren, Ironworkers Local 86; Loren Johnson, Local 66; Lisa Bogardus, Seattle Building Trades Labor Council; Monty Anderson, Asbestos Workers Local 7; Antho Ganieon, Local 66; Deken Letinich, LIUNA; Michael Nereim, Ironworkers Local 86; Jaycee Guffey, IUOE Local 612; Joel Craig, heat and frost insulators; Mitchell Bohn, Local #7; Alan Miller, Local 86; Ashley Voigt, citizen; Philip Wilson, citizen; Rory Nguyen, electrician; Daniel Edmondson, Local Union 41; Steve Elwood, Local 66 Sheet Metal Workers; Jonathan Adams, IBEW; Olivia Burton, Local 86 Ironworkers; Christopher Smith, IBEW 76 Tacoma; David Widaman, Local 129; Maryanne Zarrella, IBEW 76; Ryan Wooten, Local 41; Brian Williams, IBEW Local 46; William Fuglevand, Local 86; Ismael Maciel, citizen; Marcus Clark, Laborers 242; Timothy Miller, Local 86; David Garness, Local 86; Cassidy Barnes, Ironworker; Immanuel Lovelett, Locan; Dwayne Nikulla, retired bricklayer Local 2; Anthony Batista, Local 86; William MacDonalad, Local 191 IBEW; Michael Kerfoot, ironworker Local 86; Scott Moore, IBEW Local 46; Royal Robinson, OPCMIA Local 528; Rob Genster, Local 41; Kevin Gronski, Ironworker; Kristen Bianchi, Cement Masons and Plasterers Local 528; Christian Ortiz, IBEW Local 46; Michael McMurty, Local 86 Ironworkers; Goldyn

Giarratano, cement mason; Dustin Root, Laborers Union/Apprentice; Lindsey Skuza, Local 86 Iron Workers; Chris Scholl, Ironworkers Local 86; David Callahan, Local 86; Juan Sanchez, Laborers Local 440; Bert Cutler Jr., Pipefitters Local 26; Steve Scholl, Ironworker Local 86; Bret Peckham, Ironworkers Local 86; Robert Pascual, Local 86 Ironworkers; Danya Sallee, Ironworkers Local 86; Ethan Olive; Ethan Olive; Dustin Trudeau, Local 66; Kjell Guddal, Cement Finishers Local 528; Mike Yeisley, Local 66; Brian Knox, Local Carpenters; Grant Warren, Local 816; John Gibson, UA Local 32; Jennifer Walls, Local 302; Cleve Dillman, Laborers 242; Nate McDonald ; Ashley Darnell, AFSCME; Amanda Krajina, AFSCME; Justin Callahan, Local 46 IBEW; Kelly Graves, SBE DeNovo Construction LLC; Ron Howell, Ironworker 86; Jeff Miller, Seattle Firefighters Union IAFF Local 27; Jed Nannery, Glaziers188; David Thue, Ironworkers Local 86 Apprentice; Tyler Pena, IBEW Local 46; Brittani Cain, Cement Masons and Plasterers Union; Paul Tranquillo, UA32; Michael Guillory, Local 86; Don Swanlund, Sheet Metal Workers 66; Nathaniel Skipworth, Local 30 Carpenters; Eric Carter, Local 66; Avniel Skipworth; Lisa DeRosia, Glaziers Local 188; Ted Vallego, Local 242 Laborers International Union; Vonya Taudebrie, Local 86; Chris Bryant, IUPAT DC 5; Matt Behner, Local 528; Paul Curits, pile driver 196; Christopher Howard, Journeyman sheet metal worker Local 66; Roderick Barkey, Local 86; Dat Tong, Union 66; Travis Perkins, Local 86 Ironworkers; Arnold Floyd, Local 30; Mike Thomas, Local 30 Carpenters; Justin Wolff, Local 66 sheetmetal worker; Michael Contreras, Local 66 sheet metal workers; Crispin Valencia Jr., Laborers Local 242; Robert Salmon, Laborers Local 242; Joe Downs, Laborers Local 242; Cahri Citron, ILWU Local 4; Jerome Mccalla, Laborers Local 242; Joshua Olson, Carpenters Union; Harry Crawford, Carpenters Union; Jeffrey Olszewski, Carpenters Union; James Cooke, Local 46 IBEW; Byron Jones, Local 46; Tessa McNurlin, Inside wireman; William Dean, Local 46; Jason Hawks, Local 46 IBEW; Samuel Schragel, Laborer's 242.